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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/093,958	06/08/1998	JEFFREY L. KEITH	MS1-230US	7840

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EXAMINER
BOYCE, ANDRE D

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/093,958	KEITH ET AL.
	Examiner	Art Unit
	Andre Boyce	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>26 July 2002</u> .

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-4, 20-23 and 36-42</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-4, 20-23 and 36-42</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☒ The proposed drawing correction filed on <u>26 July 2002</u> is: a)☒ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)		4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .		6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1.   This Final Office Action is in response to Applicant's amendment filed July 26,

2002. Claims 1-4, 20-23, and 36-42 are pending.

2.   The previously pending objections to the drawings have been withdrawn.

The previously pending objections to the specification have been withdrawn.

3.   Applicant's arguments filed July 26, 2002 have been fully considered but they are

not persuasive.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for
>
> patent, published under section 122(b), by another filed in the United States before the invention by
>
> the applicant for patent or (2) a patent granted on an application for patent by another filed in the
>
> United States before the invention by the applicant for patent, except that an international application
>
> filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of
>
> an application filed in the United States only if the international application designated the United
>
> States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-4, and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by

Haff et al, U.S. Patent No. 6,219,669.

        As per claim 1, Haff et al disclose a parcel manager (main control module, see

Figure 2) for managing the transfer of data from a local computer to a remote

computer (file transfer system, see column 21, lines 31-35), the parcel manager

being embodied on a computer readable medium (see column 21, lines 29-32),

comprising an interface object (communication interface, see column 21, lines 18-

22) to present an interface into the parcel manager from one or more external

applications, a parcel object created via a first function presented by the interface

object (graphical object, see column 22, lines 10-16), the parcel object (control

module, see column 22, lines 40-45) providing functionality to place the data in one

or more parcel components for transferring to the remote computer, each parcel

component being particularized to contain and carry a particular type of data that

was requested (file packet, see column 22, lines 34-37), and a notification object

(control module, see column 22, lines 62-65) created via a second function

presented by the interface object in response to a request from an external

application, the notification object providing functionality to track a status of the

parcel object as the parcel components are transferred to the remote computer.

        As per claim 2, Haff et al disclose a parcel manager (main control module, see

Figure 2) for managing the transfer of data from a local computer to a remote

computer (file transfer system, see column 21, lines 31-35), the parcel manager

being embodied on a computer readable medium (see column 21, lines 29-32),

comprising an interface object (communication interface, see column 21, lines 18-
22) to present an interface into the parcel manager from one or more external
applications, a parcel object created via a first function presented by the interface
object (graphical object, see column 22, lines 10-16), the parcel object (control
module, see column 22, lines 40-45) providing functionality to place the data in one
or more parcel components for transferring to the remote computer, each parcel
component being particularized to contain and carry a particular type of data that
was requested (file packet, see column 22, lines 34-37), a notification object (control
module, see column '2Z, lines 62-65) created via a second function presented by the
interface object in response to a request from an external application, the notification
object providing functionality to track a status of the parcel object as the parcel
components are transferred to the remote computer, and a bulletin object (event log,
see column 22, lines 46-50) to update information regarding the parcel object.

As per claim 3, Haff et al disclose a parcel manager (main control module, see
Figure 2) for managing the transfer of data from a local computer to a remote
computer (file transfer system, see column 21, lines 31-35), the parcel manager
being embodied on a computer readable medium (see column 21, lines 29-32),
comprising an interface object (communication interface, see column 21, lines 18-
22) to present an interface into the parcel manager from one or more external
applications, a parcel object created via a first function presented by the interface
object (graphical object, see column 22, lines 10-16), the parcel object (control
module, see column 22, lines 40-45) providing functionality to place the data in one

or more parcel components for transferring to the remote computer, each parcel

component being particularized to contain and carry a particular type of data that

was requested (file packet, see column 22, lines 34-37), a notification object (control

module, see column 22, lines 62-65) created via a second function presented by the

interface object in response to a request from an external application, the notification

object providing functionality to track a status of the parcel object as the parcel

components are transferred to the remote computer, and a monitor object created by

the notification object to check for presence of the parcel components. The control

module inherently checks the presence of the data components prior to transmission

(see column 22, lines 41-50).

As per claim 4, Haff et al disclose a parcel manager (main control module, see

Figure 2) for managing the transfer of data from a local computer to a remote

computer (file transfer system, see column 21, lines 31-35), the parcel manager

being embodied on a computer readable medium (see column 21, lines 29-32),

comprising an interface object (communication interface, see column 21, lines 18-

22) to present an interface into the parcel manager from one or more external

applications, a parcel object created via a first function presented by the interface

object (graphical object, see column 22, lines 10-16), the parcel object (control

module, see column 22, lines 40-45) providing functionality to place the data in one

or more parcel components for transferring to the remote computer, each parcel

component being particularized to contain and carry a particular type of data that

was requested (file packet, see column 22, lines 34-37), a notification object (control

module, see column 22, lines 62-65) created via a second function presented by the

interface object in response to a request from an external application, the notification

object providing functionality to track a status of the parcel object as the parcel

components are transferred to the remote computer, and a parcel database object

(index creation, see column 38, lines 15-21) to add and retrieve information

regarding the parcel object in a database.

As per claim 36, Haff et al disclose an electronic system executing on the local

computer for submission of electronic data by a third party to the remote computer at

a service center operated by a first party (sender designated, see column 29, lines

55-57), wherein the service center generates an electronic statement from the

electronic data and electronically distributes the electronic statements to a second

party on behalf of the third party (see column 29, lines 57-62), and a transfer and

tracking object executing on the electronic computer system to manage the transfer

of the electronic data in the one or more parcel components to the service center

operated by the first party and to track status of the electronic data as it is

transferred (see column 29, lines 63-67).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 20-23, and 37-42 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Haff et al, in view of Kolling et al, U.S. Patent No. 5,963,925.

As per claims 20, 22, 37, 39, and 41, Haff et al do not explicitly disclose the

particular type of data being (electronic) batch statement data. Kolling et al disclose

electronic batch statement data sent by a biller (see column 9, lines 4048). It would

have been obvious to one having ordinary skill in the art at the time the invention

was made to include batch statement data in the Haff et al system, as seen in the

Kolling et al system, thereby being able to effectively communicate the cost of

services rendered (see Haff et al, column 1, lines 51-55), thus making the system

more flexible in dealing with various business models (see Haff, column 47, lines 5-

6).

As per claims 21, 23, 38, 40, and 42, Haff et al do not explicitly disclose the

particular type of (electronic) data being selected from the group consisting of

consumer information data, payment data, batch statement data, and statement

template data. Kolling et al disclose electronic batch statement data sent by a biller

(see column 9, lines 40-48). It would have been obvious to one having ordinary skill

in the art at the time the invention was made to include batch

statement data selected from the above group, in the Haff et al system, as seen in

the Kolling et al system, thereby being able to effectively communicate the cost of

services rendered (see Haff et al, column 1, lines 51-55), thus making the system

more flexible in dealing with various business models (see Haff, column 47, lines 5-

6).

Response to Arguments

8.   In section 4 of the Remarks, Applicant argues that Haff et al does not teach or suggest that a file packet is to contain any particular type of data, but rather is to contain only the particular files selected by the user. Contrary to this assertion, Haff et al disclose data specific to a credit authorization and data specific to a request for identification (i.e., types of data, see column 28, lines 6-10).

In section 5, Applicant argues that the assembly of a file packet from user selected files in Haff et al is non-analogous to the recited parcel limitation in each of the independent claims. The Examiner disagrees and submits that the file transfer method in Haff et al includes the creation of a data socket and the transfer of specific identification data (see column 27, lines 55-61) via that specified socket, which is included in the file packet transfer.

In section 6, Applicant argues that the comments expressed in Amendment B with respect to Kolling et al are incorporated herein by reference. The Examiner concludes that Applicant is referring to Amendment A, filed July 26, 2001 since Amendment B has no mention of Kolling et al. Further, after reviewing Amendment A, the Examiner submits that the arguments stated therein are moot with regards to the current rejection. The current rejection applies Kolling et al as a secondary reference, with regards to the batch statement data disclosed therein.

In section 7, Applicant argues that neither Haff et al, nor Kolling et al teach or suggest, either alone or in combination, a file packet that is particularized or

otherwise restricted as to its contents by a particular type of data. Contrary to this

assertion, Haff et al disclose data specific to a credit authorization and data specific

to a request for identification (i.e., types of data, see column 28, lines 6-10). Further,

in response to Applicant's argument that the references fail to show certain features

of Applicant's invention, it is noted that the features upon which Applicant relies (i.e.,

reliable transfer and reduced network congestion) are not recited in the rejected

claim(s). Although the claims are interpreted in light of the specification, limitations

from the specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and

any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing

date of the advisory action. In no event, however, will the statutory period for reply

expire later than SIX MONTHS from the mailing date of this final action.

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andre Boyce whose telephone number is (703) 305-

1867. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone numbers

for the organization where this application or proceeding is assigned are (703) 305-

7687 for regular communications and After Final communications, and (703) 746-

7305 for informal/draft communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703)

308-1113.

adb
December 14, 2002
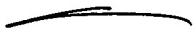
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